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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: STEVEN P. HERGOTT, ET AL.  
SERIAL NO.: 10/659,650  
TITLE: METHOD AND MEANS FOR STUFFING  
NATURAL CASINGS WITH SAUSAGE  
EMULSION  
FILED: September 10, 2003  
GROUP/A.U.: 3643  
Confirmation No.: 1820  
EXAMINER: Richard Thomas Price, Jr.  
Docket No.: P06667US0-169G

Mail Stop Reply Brief - Patents  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

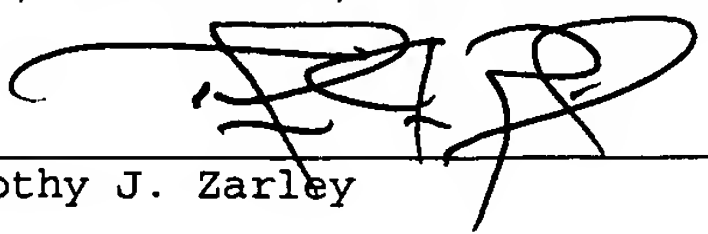
Dear Sir:

**REPLY TO EXAMINER'S ANSWER**

This brief is submitted in response to the Examiner's Answer of June 16, 2006, and pursuant to 37 CFR § 41.41 in furtherance of the Appeal Brief originally submitted for this application on December 19, 2005, and re-submitted on April 21, 2006, upon receipt of the Notice of Non-Compliant Appeal Brief sent March 21, 2006.

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on this 19th day of July 2006.

  
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Timothy J. Zarley

**REMARKS**

In his answer, the Examiner has maintained the rejection of claims 1, 5 and 6 under 35 U.S.C. 102(b) as being anticipated by Duroyon (USPN 4,437,209). Appellant respectfully maintains traversal of this rejection for the reasons set forth below.

Claims 1 and 5-6 relate to a method and apparatus for stuffing natural sausage casings. It can be appreciated by one of ordinary skill in the art that the FCA-S stuffing machine depicted that accommodates the invention disclosed in Duroyon (col. 4, lines 55-58) is intended for stuffing artificial sausage casings, as opposed to natural casings. This assertion is supported, *inter alia*, by Duroyon's use of the sizing ring 60 "having a circumference very near the desired stuffed circumference of the product, such that the [premoisturized shirred] casing [27], as it deshirs and passes over the ring, is stretched to about the desired size" (col. 6, lines 28-33). A sizing ring 60 as Duroyon discloses would not be suitable for stuffing natural casings due to the non-uniform diameters of natural casings. See the background section of the present application at p. 1, lines 13-19, for a discussion of the drawbacks of using natural casings on a machine designed for stuffing artificial casings.

Even if a natural casing were used with the apparatus disclosed by Duroyon, Duroyon still does not satisfy the requirements of anticipation of claims 1 and 5-6 under 35 U.S.C. 102(b). Claim 1 recites a method of advancing a natural casing along the length of a meat stuffing tube, requiring "placing a hollow conical shaped restrictor on the stuffing tube" and "decreasing the diameter of the natural casing with the side wall of the conical shaped restrictor [30] as the natural casing is being slidably moved towards the discharge end of the tube"

(see Figures 1 and 2). In contrast, Duroyon teaches sizing a premoisturized shirred casing 27 with the sizing ring 60 and decreasing the diameter of the casing 27 for clipping with a sealing ring 63 (col. 7, line 42 - col. 8, line 24). Duroyon teaches that the distance between the sizing ring 60 and the sealing ring 63 can be varied to achieve desirable frictional forces for stuffing and clipping (Figs. 6-7 and col. 8, line 48 - col. 9, line 14). Duroyon fails to teach or suggest using the side wall of a conical shaped restrictor to decrease the diameter of a natural casing as required in claim 1. Moreover, Duroyon does not teach or suggest any contact between the premoisturized shirred casing 27 and the holder 65.

Similarly, claim 5 requires a hollow conical shaped restrictor for decreasing the diameter of the natural casing. For the reasons discussed above, claim 5 is not anticipated by Duroyon under 35 U.S.C. 102(b). Claim 6 is dependent on claim 5 and recites an additional limitation, therefore claim 6 is also not anticipated by Duroyon.

In summary, Appellants maintain the assertion that rejection of claims 1, 5 and 6 under 35 U.S.C. 102(b) as being anticipated by Duroyon should be reversed, and that claims 1, 5 and 6 are in condition for allowance.

#### CONCLUSION:

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

There are no fees or extensions of time believed to be due in connection with this reply; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Reply to Examiner's Answer dated June 16, 2006

Respectfully submitted,



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